

3-27-02

PTO/SB/29 (08-00)

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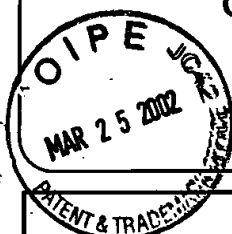
**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing

CHECK BOX, if applicable

☐ DUPLICATE

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))



Address to:

Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No.
of Prior Application

P1564USA/CPA

First Named Inventor

M. Guillen

Examiner Name

J. Hwu

Group / Art Unit

1661

Express Mail Label No.

EF 366 670 401 US

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APR 01 2002

TECH CENTER 1600/2900

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d).(continued prosecution application (CPA)) of prior application number 09/473,386filed on December 28, 1999, entitled TRAILING INTERSPECIFIC IMPATIENS.**NOTES**

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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740.00 OP

1. ☐ Enter the unentered amendment previously filed on under 37 CFR 1.116 in the prior nonprovisional application
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

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Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

CH02/22179169.1

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))		-20* =	18	x \$ ____ =	\$
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))		-3** =	3	x \$ ____ =	
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				x \$ ____ =	
				BASIC FEE (37 CFR 1.16)	740.00
Total of above Calculations =					
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					
* Reissue claims in excess of 20 and over original patent.					
** Reissue independent claims over original patent.					
TOTAL =					

6. Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 07 - 0181:
- a. ☐ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☒ Fees required under 37 CFR 1.18.
8. ☒ A check in the amount of \$ 1270.00 is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(I) enclosed).
11. ☒ New Attorney Docket Number, if desired
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☒ Other: Petition for an Ext. of Time, Petition to accept color photographs, copy of a terminal disclaimer, copy of pages out of the Ball FloraPlant 2001/2002 Catalog, and a certificate of mailing

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

12. NEW CORRESPONDENCE ADDRESS

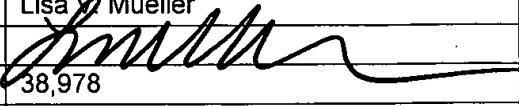
☒ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☒ New correspondence address below

Name	Lisa V. Mueller				
	GARDNER CARTON & DOUGLAS				
Address	321 N. Clark Street				
	Suite 3400				
City	Chicago	State	Illinois	Zip Code	60610
Country	US	Telephone	312-644-3000	Fax	312-644-3381

13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Lisa V. Mueller
Signature	
Registration No. (Attorney/Agent)	38,978
Date	March 25, 2002



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mario Guillen)

Serial No.: 09/473,386)

Filed: December 28, 1999)

Title: Trailing Interspecific Impatiens)

Group Art Unit: 1661

Examiner: J. Hwu

Commissioner for Patents
Washington, D.C., 20231

Sir:

PRELIMINARY AMENDMENT

This Preliminary Amendment is being submitted in response to the Office Action mailed on October 23, 2001, in connection with the above-identified application.

IN THE CLAIMS

Please amend claims 17, 18, 19 and 29 as follows:

17. (Amended). Asexual reproduced progeny of the plant of claim 13.

18. (Amended). The asexual reproduced progeny of claim 17 wherein said asexual progeny is a cutting.

19. (Amended). An interspecific impatiens plant comprising a trailing habit, wherein said plant has a pedigree that includes plant 2245B or asexual reproduced progeny thereof.

29. (Amended). Asexual reproduced progeny produced from the trailing interspecific impatiens plant produced by the process of claim 25.